IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 7436 of 2005

Between:

Orsu Muthyalu, S/o.Yellaiah, Agriculturist,
Peddakapathy Village, Chityal Mandal, Nalgonda Dist.

..... PETITIONER

AND

1 The Motor Vehicle Inspector, Parigi, Ranga Reddy, Dt. Department of Transport, Govt., of A.P.
2 The Regional Transport Authority, Nalgonda, Nalgonda District, Department of Transport, Govt. of A.P.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more in the nature of writ of Mandamus declaring the action of the Respondent No.1 herein in issuing the vehicle check Report bearing No.0547023 dated 25-02-2005, consequently seizing my Tractor & Trailer bearing NO.AAL-2577 & AAL-2578, as illegal, arbitrary, and violative of Articles 14 & 16 of the Constitution of India.

Counsel for the Petitioner:MR.M.MADHAVA REDDY

Counsel for the Respondents : GP FOR TRANSPORT

The Court, at the stage of admission, made the following :

ORDER: (per BRSR,J)

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport. At their request, the writ petition itself is taken up for final disposal at the stage of admission. Issue Rule Nisi.

The petitioner's vehicle, Tractor and Trailer, bearing Nos.AAL-2577 and AAL 2578, which was coming from Prakash Stores, Parigi with a load of Stones, was intercepted by the 2nd respondent and found the following irregularities:

"1) Vehicle is plying on hire of Rs.100/- per trip to transporting stones.

2. F.C. not produced.

3. No proof of Tax till Quarter Ending, i.e. 31-03-2005, etc."

The vehicle was seized in purported exercise of the power under Section 8 of the A.P. Motor Vehicles Taxation Act and under Section 207 of the Motor Vehicles Act and the same was kept at APSRTC premises, Tandur, for safe custody.

The petitioner, admittedly, did not file any application seeking release of the vehicle as is required under the law, and therefore, it is not possible to grant any relief at this stage.

However, the respondents are directed to dispose of the application, to be submitted by the petitioner, within three days from the date of submitting such application, and pass appropriate orders in accordance with law.

The writ petition is accordingly disposed of.

(B.Sudershan Reddy, J)

Date:11-04-2005

(C.V.Ramulu, J)

Note:Furnish Certified Copy by 13-04-2005.

(b/o) GJ

To

1 The Motor Vehicle Inspector, Parigi, Ranga Reddy, District, Department of Transport, Govt., of A.P.
2 The Regional Transport Authority, Nalgonda, Nalgonda District, Department of Transport, Govt. of A.P.

3 Two C.Cs. to the Government Pleader for Transport, High Court of A.P., Hyderabad. (O.U.T.)

4 2 CD copies

5 1 CC to MR.MADHAVA REDDY